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REMARKS

Applicants appreciate the telephonic interview conducted between SPE John A. Follansbee and Robert L. Showalter on April 25, 2006. During the interview, the prior art rejection of claims 1-35 based upon U.S. Patent No. 6,732,175 B1 to Abjanic was discussed. Mr. Follansbee stated that he agreed with Examiner Hu's prior art position set out in the final Office Action. He suggested, however, that applicants consider amending the claims to more clearly define that the "data for the data transmission transaction" comprises "content data" or data not found in a destination header. With this paper, independent claims 1, 32 and 34 have been amended and now recite "wherein the transaction service level information is provided separate from content data for the data transmission transaction." Independent claims 23, 33 and 35 have been amended and now recite "an application program interface to a communications process which both receives content data to be transmitted *** and receives quality of service information *** so as to establish the quality of service level for the transmission of the received content data without reference to the contents of the received content data." Independent claim 27 has been amended and now recites "a send message application program interface configured to receive content data to be transmitted and quality of service information separate from the content data to be transmitted." Support for the amendments noted above can be found in the specification on page 14, line 21 and page 21, line 22. For the reasons noted below, applicants respectfully submit that the cited reference fails to disclose or suggest, at least, all of the recitations of independent claims 1, 23, 27 and 32 - 35. Accordingly, applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1, 32, and 34 are Patentable

Claims 1, 32, and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,732,175 to Abjanic (hereinafter "Abjanic"). Independent claims 1, 32, and 34 are directed to a method, system, and computer program product,

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respectively, for providing transactional quality of service. For example, independent claim 1 recites, in part:

providing transaction service level information for a data transmission transaction to a communication process executing on a data processing system from an application executing on the data processing system requesting the data transmission transaction, wherein the transaction service level information is provided separate from content data for the data transmission transaction; and

...

Independent claims 32 and 34 include similar recitations. As highlighted above, an application requesting a data transmission transaction provides service level information to a communication process that executes on the same data processing system as the application. In addition, the transaction service level information is provided separate from content data for the data transmission transaction.

In contrast to the recitations of independent claims 1, 32, and 34, the content-based message director 145 shown in FIG. 1 of Abjanic does not execute on the same data processing system as applications 112, 122, and/or 132 or the applications executing on the servers 150, 160, and/or 170. Moreover, Abjanic explains that it is desirable to separate the message director 145 from the application servers to "relieve the processing nodes or application servers from this additional processing overhead." (Abjanic, col. 5, lines 25 - 27).

Furthermore, applicants submit that Abjanic does not disclose or suggest that the transaction service level information be separate from content data for the data transmission transaction as recited in Claims 1, 32, and 34. Instead, Abjanic teaches that the message director 145 is a content-based message director that switches "messages to a selected server based upon the content of application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).

In the final Office Action, the Examiner states in paragraph 17:

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Abjanic discloses switching messages to a selected server based on the content of application data, the content only determines the type of service, it does not determine the service level, the transaction service level will be determined by transaction service level information (i.e., XML pattern).

The XML pattern "<To>bookstore.com</To>," see column 5, line 62 of the '175 patent, is part of the body or application data of the HTTP Post, see column 5, line 49 and column 6, line 4-6. This application data comprises content data. Further, the '175 patent clearly teaches in column 7, lines 34-37 that "different levels of service" are "provided for messages based on the content of the application data (such as the business transaction information) in the message." Nowhere does the '175 patent disclose, teach or suggest providing transaction service level information separate from content data for the data transmission transaction, as required by independent claims 1, 32 and 34.

For at least the foregoing reasons, applicants respectfully submit that independent claims 1, 32, and 34 are patentable over Abjanic, and that dependent claims 2 - 22 are patentable at least by virtue of their depending from an allowable claim.

Independent Claims 23, 33, and 35 are Patentable

Claims 23, 33, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Abjanic. (Office Action, page 3). Independent claim 23 recites:

23. A method for establishing a quality of service level for the transmission of data, comprising:

providing an application program interface to a communications process which both receives content data to be transmitted by the communication process and receives quality of service information associated with the data to be transmitted so as to establish the quality of service level for the transmission of the received content data without reference to the contents of the received content data to be transmitted.

Claims 33 and 35 include similar recitations. Thus, according to claims 23, 33, and 35, the application program interface to the communication process allows receipt of quality of service information so as to establish a quality of service level without reference to the contents of the content data to be transmitted. As discussed above with

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respect to independent claims 1, 32, and 34, Abjanic does not disclose or suggest that the quality service level be established without reference to the contents of the content data to be transmitted as recited in claims 23, 33, and 35. Instead, Abjanic teaches that the message director 145 is a content-based message director that switches "messages to a selected server based upon the content of application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).

For at least the foregoing reasons, applicants respectfully submit that independent claims 23, 33, and 35 are patentable over Abjanic, and that dependent claims 24 - 26 are patentable at least by virtue of their depending from an allowable claim.

Independent Claim 27 is Patentable

Claim 27 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Abjanic. (Office Action, page 3). Independent claims 27 recites:

27. A system for establishing a quality of service level for transmitted data, comprising:
- a communications process circuit comprising:
 - a send message application program interface configured to receive content data to be transmitted and quality of service information separate from the content data to be transmitted;
 - a policy service module configured to determine a quality of service level based on the quality of service information; and
 - a transmit/receive process configured to transmit the received data utilizing the determined quality of service level.

According to claim 27, the send message application program interface receives both content data to be transmitted and quality of service information. The policy service module determines a quality of service level based on the quality of service information. As discussed above with respect to independent claims 1, 23, and 32 - 35, Abjanic does not disclose or suggest the use of separate quality service information that is distinguishable from the contents of the content data to be transmitted as recited in claim 27. Instead, Abjanic teaches that the message director 145 is a content-based message director that switches "messages to a selected server based upon the content of

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application data, such as business transaction information (which may be provided as XML data)." (Abjanic, col. 4, lines 52 - 54; emphasis added).


For at least the foregoing reasons, applicants respectfully submit that independent claim 27 is patentable over Abjanic, and that dependent claims 28 - 31 are patentable at least by virtue of their depending from an allowable claim.

CONCLUSION

In light of the above discussion and amendments, applicants submit that the present application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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